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Report of the Working Group on Enforced or Involuntary Disappearances*

Note by the Secretariat

The Working Group on Enforced or Involuntary Disappearances was established by resolution 20 (XXXVI) of 29 February 1980 of the Commission on Human Rights. The mandate was most recently extended by the Human Rights Council in its resolution 27/1 of 25 September 2014.

The mandate of the Working Group is to assist families of disappeared persons to ascertain the fate and whereabouts of their disappeared relatives, to assist and monitor States' compliance with their obligations deriving from the Declaration on the Protection of All Persons from Enforced Disappearance and to provide States with assistance in the prevention and eradication of enforced disappearances.

Since its inception in 1980, the Working Group has transmitted a total of 55,273 cases to 107 States. The number of cases under active consideration stands at 44,159 in a total of 91 States. During the reporting period, 161 cases were clarified.

The present report reflects the activities of and communications and cases examined by the Working Group on Enforced or Involuntary Disappearances covering the period 16 May 2015 to 18 May 2016. It also includes a section with preliminary observations on the issue of enforced disappearances in the context of migration.

* The annexes to the present report are circulated as received, in the language of submission only.

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I. Introduction

1. The Working Group on Enforced or Involuntary Disappearances was the first United Nations human rights thematic mechanism to be established with a universal mandate, by the Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980. The mandate was most recently extended by the Human Rights Council in its resolution 27/1 of 25 September 2014.

2. The primary task of the Working Group is to assist families in determining the fate or whereabouts of their family members who are reportedly disappeared. In that humanitarian capacity, the Working Group serves as a channel of communication between family members of victims of enforced disappearance and other sources reporting cases of disappearances, and the Governments concerned.

3. Following the adoption by the General Assembly of its resolution 47/133 and of the Declaration on the Protection of All Persons from Enforced Disappearance, the Working Group was entrusted with monitoring the progress of States in fulfilling their obligations derived from the Declaration. The Human Rights Council, in its resolution 7/12, encouraged the Working Group to provide assistance in the implementation by States of the Declaration and of existing international rules.

4. The present report reflects the activities of and communications and cases examined by the Working Group covering the period from 16 May 2015 to 18 May 2016. A summary of the decisions on individual cases taken by the Working Group and communications transmitted to the States concerned during the reporting period is presented in a table (see sect. III).

5. Since its inception, the Working Group has transmitted a total of 55,273 cases to 107 States. The number of cases under active consideration that have not yet been clarified, closed or discontinued stands at 44,159 in a total of 91 States. During the reporting period, 161 cases were clarified.

II. Activities of the Working Group on Enforced or Involuntary Disappearances: 16 May 2015 to 18 May 2016

A. Activities

6. During the period under review, the Working Group held three sessions: the 107th session, from 14 to 18 September 2015; the 108th session, from 8 to 12 February 2016; and the 109th session, from 9 to 18 May 2016. The 108th session was held in Rabat and the other sessions were held in Geneva.

7. Post-sessional documents were adopted and published after the 107th (A/HRC/WGEID/107/1); 108th (A/HRC/WGEID/108/1); and 109th (A/HRC/WGEID/109/1) sessions. Those documents should be considered complements to the present annual report.

8. As from 18 September 2015, the Chair-Rapporteur of the Working Group has been Houria Es Slami. Bernard Duhaime was elected Vice-Chair during the 107th session of the Working Group. Osman El-Hajjé and Jasminka Dzumhur completed their appointments as members of the Working Group during the reporting period and were replaced by Tae-Ung Baik and Henrikas Mickevičius, respectively.

9. On 15 September 2015, former Chair-Rapporteur Ariel Dulitzky presented the annual report for the period 17 May 2014 to 15 May 2015, and its addenda, to the Human Rights Council at its thirtieth session, and participated in the interactive dialogue with Member States.

10. Between 8 and 12 June 2015, former Vice-Chair, Ms. Dzumhur, represented the Working Group during the twenty-second annual meeting of the special procedures of the Human Rights Council.

11. On 22 October 2015, the Vice-Chair, Mr. Duhaime, addressed the General Assembly at its seventieth session and participated in the interactive dialogue with Member States.

12. The Working Group continues its practice of having one of its sessions per year outside Geneva. The Working Group held its 108th session in Rabat from 8 to 12 February 2016. The Working Group is grateful to the Government of Morocco for that opportunity.

13. On 11 March 2016, the Chair-Rapporteur, Ms. Es-Slami, participated in a commemorative event for the tenth anniversary of the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance.

14. During the reporting period, all the members of the Working Group carried out a number of activities connected to enforced disappearances, which included their participation in conferences, consultations, seminars, training events, workshops and lectures, organized by Governments and/or civil society organizations.

15. The Working Group is thankful for the continuous support, including through voluntary contributions, provided by donor States, notably Argentina, France and Japan. It is also grateful for the support of the Moroccan National Council for Human Rights in the organization of an expert consultation on enforced disappearances and non-State actors on 7 February 2016 on the margins of the 108th session held in Rabat.

16. During the 109th session, the Working Group started discussing the development of guidelines relating to the handling and management of its archives.

B. Meetings

17. During the period under review, representatives of the Governments of Burundi (108th); Egypt (109th), Japan (107th, 108th and 109th); Maldives (109th), Morocco (108th), Pakistan (109th), the Sudan (109th) and Ukraine (107th and 109th) attended the sessions of the Working Group. A number of informal meetings were also held with representatives from various States. The Working Group expresses its appreciation to those Governments for the meetings and emphasizes the importance of cooperation and dialogue.

18. The Working Group also met with the Committee on Enforced Disappearances during its 107th session. It also met with State representatives from the Latin American and Western regional groups during the 107th and 109th sessions, respectively, as well as representatives of international governmental organizations, relatives and associations of relatives of disappeared persons, and non-governmental organizations. The Working Group also met the President of the Human Rights Council and the United Nations High Commissioner for Human Rights during the 109th session.

C. Communications

19. During the reporting period, the Working Group transmitted 766 new cases of enforced disappearance to 37 States.

20. The Working Group transmitted 483 of the above-mentioned cases under the urgent action procedure[1] to 20 States.

21. The Working Group clarified 161 cases, in 17 States. Of the 161 cases, 67 were clarified on the basis of information provided by Governments and 94 on the basis of information provided by sources.

22. The Working Group transmitted 12 prompt intervention communications addressing allegations of harassment of and/or threats to human rights defenders and relatives of disappeared persons in Bangladesh, the Central African Republic, China, Colombia, the Congo, Guatemala, India, Iraq, Mexico, Pakistan, Serbia and the Bolivarian Republic of Venezuela.

23. It transmitted two urgent appeals concerning persons who had been arrested, detained, abducted or otherwise deprived of their liberty or who had been forcibly disappeared or were at risk of disappearance in Ethiopia and Iraq.

24. The Working Group transmitted seven general allegations, related to obstacles to the implementation of the Declaration, to the Governments of Bangladesh, Cameroon, Colombia, Egypt, Kenya, Pakistan and Uruguay.

25. It also transmitted eight other letters addressing issues related to enforced disappearances to the Governments of the Democratic Republic of the Congo, the Gambia, Guatemala, Italy, Morocco, Pakistan, Portugal and the United States of America.

D. Country visits

26. The Working Group submits as addenda to the present report three country visits reports: on its visit to Peru, from 1 to 10 June 2015; to Sri Lanka, from 9 to 18 November 2015; and to Turkey, from 14 to 18 March 2016 (see A/HRC/33/51/Add.1, Add.2 and Add.3). The Working Group thanks the Governments of Peru, Sri Lanka and Turkey for the invitation, as well as for the cooperation extended to it before, during and after its visit to the countries. It encourages them to fully implement the recommendations contained in the country visit reports.

27. The Working Group also thanks the Government of South Sudan, which has extended an invitation to the Working Group to visit the country during the reporting period. The visit to South Sudan is scheduled to take place in the last quarter of 2016.

28. During the reporting period, the Working Group requested visits to Lebanon and Ukraine.

29. In addition to these new requests, the Working Group has requested in the past — and reiterated during the reporting period — a visit to the following countries, without having yet received a positive response: Bangladesh, Bahrain, Belarus, Burundi, China, Egypt, India, Indonesia, Kenya, Nepal, Nicaragua, the Philippines, the Russian Federation, Rwanda, South Africa, the Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, the United Arab Emirates, Uzbekistan and Zimbabwe. The Working Group invites all States that have received a request for a visit by the Working Group to respond favourably to it, in accordance with Human Rights Council resolution 21/4.[2]

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[1] Cases of enforced disappearances that occurred within three months prior to the receipt of a report by the Working Group.

[2] See annex I for country visit requests and invitations extended.

30. The Working Group recalls the fact that the Islamic Republic of Iran agreed to a visit by the Working Group in 2004, more than a decade ago, which was delayed at the request of the Government. The Working Group calls upon the Government to set the dates for the visit. Similarly, the Working Group regrets that the visit to Algeria did not materialize, in spite of an invitation extended to visit the country in the second half of 2014. The Government of the Sudan also expressed its openness to receiving the Working Group, although an official reply agreeing to the visit has not yet been received. The visit to Libya, postponed in May 2013 for security reasons, is still pending.

E. Follow-up reports and other procedures

31. The Working Group prepared follow-up reports on the implementation of recommendations made following its visits to the Congo and Pakistan. The follow-up reports are contained in an addendum to the present report (A/HRC/33/51/Add.4). The Working Group encourages both Governments to implement the outstanding recommendations.

F. Press releases and statements

32. On 10 June 2015, the Working Group issued a statement[3] and, on 11 June, a press release[4] at the end of its visit to Peru, emphasizing that, in spite of the Government's efforts, grave wounds remained open as a consequence of past enforced disappearances, in particular in the areas of truth, justice and rehabilitation programmes.

33. On 27 August 2015, the Working Group joined a press release issued by two United Nations experts on genocide prevention and transitional justice, calling on the Guatemalan judicial authorities to prevent any further attempt at interference, obstruction of justice or manipulation of the law while resuming the genocide trial against the former de facto Head of State José Efraín Ríos Montt and the former Chief of Intelligence of Guatemala José Mauricio Rodríguez Sánchez.[5]

34. On 28 August 2015, the Working Group issued a press release jointly with the Committee on Enforced Disappearances on the occasion of the International Day of the Victims of Enforced Disappearances, calling for global rules on immediately searching for the disappeared.[6] On the same day, the Working Group also issued a joint statement with the Inter-American Commission on Human Rights, recognizing the progress made on this issue in many countries in the Americas, while at the same time calling attention to the debt owed to the victims of forced disappearances of the past in terms of realizing their rights to truth, justice, and reparation.[7]

35. On 9 September 2015, the Working Group issued a press release, jointly with other special procedure mandate holders, welcoming the report of the independent team of experts of the Inter-American Commission on Human Rights on the enforced disappearances, executions and torture of students of Ayotzinapa in the State of Guerrero in

[3] See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=16062&LangID=S.
[4] See www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=16065&LangID=S.
[5] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16351&LangID=E.
[6] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16356&LangID=E.
[7] See www.oas.org/en/iachr/media_center/PReleases/2015/098.asp.

Mexico in September 2014 and encouraging the Government of Mexico to implement all of its recommendations.[9]

36. On 18 September 2015, the Working Group issued a press release on the occasion of the presentation by the Vice-Chair of the annual report to the Human Rights Council. In the press release, the Working Group called on all States to inter alia assume the search of the disappeared as a priority, urging them to start by recognizing the issue and determining its exact extent through the gathering of clear and reliable records.[10]

37. On 22 October 2015, a press release was issued on the occasion of the presentation of the Chair-Rapporteur of the Working Group to the General Assembly, calling on States to put the eradication of enforced disappearance at the top of their agenda. It also urged Governments to address the changing nature of the problem due to new patterns of enforced disappearance, the growing activity of non-State actors and new types of victims.[11]

38. On 18 November 2015, the Working Group issued a press release[12] and a statement[13] upon the conclusion of its visit to Sri Lanka, highlighting that Sri Lanka has the opportunity to once and for all meet the rights and legitimate expectations of thousands of families of disappeared.

39. On 9 December 2015, the Working Group, jointly with all other special procedure mandate holders, renewed its commitment for the full implementation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, on the occasion of Human Rights Day.[14]

40. On 21 January 2016, the Working Group, jointly with other special procedure mandate holders, issued a press release calling on the Government of Ethiopia to halt the violent crackdown on Oromia protesters and ensure accountability for abuses.[15]

41. On 15 February 2016, the Working Group issued a statement and held a press conference at the conclusion of its 108th session in Rabat.[16]

42. On 26 February 2016, the Working Group, jointly with other special procedure mandate holders, issued a press release urging the Government of the United States of America to ensure proper investigation and full accountability for human rights violations in his plans to close the Guantanamo Bay detention camp.[17]

43. On 18 March 2016, the Working Group issued a press release[18] and a statement[19] upon conclusion of its visit to Turkey, emphasizing how it was high time for Turkey to come to terms with past enforced disappearances.

44. On 7 April 2016, the Working Group, jointly with other special procedure mandate holders, issued a press release welcoming the adoption by the African Commission on

[9] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16406&LangID=E.
[10] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16462&LangID=E.
[11] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16636&LangID=E.
[12] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16772&LangID=E.
[13] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16771&LangID=E.
[14] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16861&LangID=E.
[15] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16977&LangID=E.
[16] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17046&LangID=E.
[17] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17097&LangID=E.
[18] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18477&LangID=E.
[19] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18476&LangID=E.

Human and Peoples' Rights of the new Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa.[19]

45. On 26 April 2016, the Working Group, jointly with other special procedure mandate holders, issued a press release at the occasion of the final report by the Interdisciplinary Group of Independent Experts of the Inter-American Commission on Human Rights, emphasizing that much still needed to be done in Mexico to bring truth and justice in relation to the case of the of the 43 student teachers of Ayotzinapa, disappeared in September 2014.[20]

G. Enforced disappearance in the context of migration

46. The phenomenon of disappearances of migrating individuals in transit and in destination countries is increasingly being documented by States, non-governmental organizations and the media.

47. During its 105th session, and later in its 2015 annual report (see A/HRC/30/38, para. 96), the Working Group announced that it would address the issue of enforced disappearances in the context of migration. In the present document, the Working Group outlines the main issues surrounding the phenomenon of enforced disappearances of migrants, with the aim of further studying it over the course of the next reporting cycle, including through expert meetings and/or consultations with other relevant actors working on and interested in the issue.

48. The study will focus on enforced or involuntary disappearances of persons[21] in the context of migration. It will also examine other similar practices undertaken by private actors in the context of migration, including acts of human trafficking or smuggling of migrants, which could be tantamount to enforced or involuntary disappearances.[22]

49. While there is no universally recognized definition of the concept of migrant, the Working Group will refer to it as any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence.[23] Accordingly, for the purpose of the study, the Working Group will consider the term "migrants" as encompassing asylum seekers and refugees, as well as persons who migrate for economic, labour, climate or other reasons.[24]

50. In the short presentation of that theme in the present report, the Working Group briefly highlights the following issues, with the aim of further analysing them over the course of the coming months:

(a) Migration caused by enforced disappearances;

(b) Enforced disappearances of migrants;

[19] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19790&LangID=E.

[20] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19883&LangID=E.

[21] See preamble of the Declaration. See also International Convention for the Protection of All Persons from Enforced Disappearance.

[22] See article 3 of the Convention.

[23] See OHCHR, Recommended Principles and Guidelines on Human Rights at International Borders (2014) chap. I, para. 10. Available from www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf. See also E/CN.4/2000/82, para. 36.

[24] See, for example, www.unhcr.org/en-us/mixed-migration.html. See also International Organization for Migration, *Glossary on Migration* (2014). Available from www.iomvienna.at/sites/default/files/IML_1_EN.pdf.

(c) Factors contributing to the enforced disappearance of migrants;

(d) State obligations in the context of the enforced disappearance of migrants.

(a) Migration caused by enforced disappearances

51. Throughout the fulfilment of its mandate, the Working Group has encountered numerous instances where persons have migrated to other countries in order to flee the threat of being subjected to enforced or involuntary disappearances. That has been the case for many individuals fleeing Argentina, Chile and other Latin American States commonly practising enforced disappearances in the 1970s and 1980s (see, for example, E/CN.4/1984/21, para. 102).

52. More recently, the Working Group has received cases and reports of refugees and other migrants who claim to have left their country of origin to avoid being subjected to enforced or involuntary disappearances, similar to those documented, for example, in the report of the Independent International Commission of Inquiry on the Syrian Arab Republic (see A/HRC/30/48 and Corr.1, paras. 23 and 65) or of the commission of inquiry on human rights in Eritrea (see A/HRC/32/CRP.1, paras. 97 and 277-279).

53. Similarly, individuals migrate due to the disappearances of their relatives or loved ones or to avoid reprisals due to their work in searching and pursuing justice. Additionally, there exist instances of human rights defenders who are forced to migrate due to their work fighting enforced disappearances.

(b) Enforced disappearances of migrants

54. The Working Group is also interested in examining further different types of enforced disappearances of migrants. While doing so, it will seek to address the distinction between instances of missing migrants and those of enforced disappearances of migrants.

(i) Enforced disappearances of migrants for political reasons

55. The study will analyse instances of enforced disappearances of foreign nationals in transit or who have migrated to other countries.

56. For example, in the framework of Operation Condor in the 1970s-1980s, many South American military regimes coordinated their actions, whereby States of origin seeking to capture certain of their nationals who had fled abroad to escape persecution provided intelligence to destination States so that the latter could locate and capture refugees and political migrants and deliver them to their State of origin. In certain instances, destination States also allowed agents from the State of origin to enter their territory and capture their nationals. In many such cases, captured refugees and migrants were the object of enforced or involuntary disappearances (see, for example, E/CN.4/1983/14, paras. 91-92).[25]

57. More recently, the Working Group has received information regarding several cases of defectors, who had fled to neighboring States to avoid persecution, and who were later captured there by host State officials, then handed over to the State of origin's authorities. After these forced repatriations many were reportedly subjected to enforced disappearances.[26]

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[25] See also *Gelman v. Uruguay*, Merits and Reparations, Inter-American Court of Human Rights, Series C No. 221 (24 February 2011).

[26] Similar instances were reported in the report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/CRP.1), paras. 446 and 452-453.

(ii) Disappearances occurring during the detention of migrants[27] or the execution of deportation procedures

58. The study will also take into consideration instances where migrants disappear while they are detained or during the execution of deportation procedures. Indeed, migrants who are captured in a transit or destination State, and detained under administrative or criminal proceedings, may sometimes disappear. This could be in part be due to the lack of transparency or to the secrecy of such detention, and the very limited access to the justice system that migrants often have in this context.[28] The Group will address how disappearances can occur in such contexts, as well as during the execution of deportations.

59. Similarly, many cases were reported where migrants were deported to their State of origin or another State, where they face enforced or involuntary disappearances or where they risk being subjected to that practice, in contravention of the international law principle of non-refoulement.[29] In that process, it has been observed that formal deportation procedures, including the assessment of risk of persecution in the country of origin, are sometimes not duly respected and, as a result, migrants are not registered and are unable to lodge asylum claims.

(iii) Enforced disappearances of migrants by private actors acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the State

60. There have been a number of reported cases of disappearances of migrants while they transit in a third State or upon arrival in the State of destination (see CED/C/MEX/CO/1, paras. 23-24).[30] In some instances, migrants are arrested and detained by State agents (migration officers or security forces) and later disappeared. In other instances, captured migrants are delivered by State agents to private actors, often members of organized criminal groups and, as such, are also the object of enforced disappearances, often trapped in trafficking networks for the purpose of economic or sexual exploitation.

(c) Factors that contribute to the enforced disappearances of migrants

61. The Working Group will analyse in greater detail factors that contribute to enforced disappearances of migrants, including them being exposed to greater situations of vulnerability and to multiple forms of discrimination and the impact of State migratory and security policies, as well as the existence of obstacles in the search for justice and truth regarding such human rights violations.

(i) Vulnerability and discrimination

62. The Working Group highlighted the particular vulnerability of migrants to enforced disappearances in past reports, in particular due to obstacles facing the judicial protection of their rights, as well as the irregular nature of their migration status (see A/HRC/19/58/Add.2, para. 69).

63. Some migrants enter irregularly and are thus not recorded, and others enter in a regular manner but remain unaccounted for because of the lack of procedures established at the borders of many countries. That is exacerbated by the lack of effective laws and protection programmes, as well as ineffective judicial remedies available to them (see

[27] See A/HRC/20/24.

[28] See, similarly, Inter-American Commission on Human Rights, "Human Rights of migrants and other persons in the context of human mobility in Mexico", OEA/Ser.L/V/II Doc48/13 (2013), p. 42.

[29] See art. 8 of the Declaration.

[30] See also A/HRC/33/53/Add.1, para. 14.

A/HRC/19/58/Add.2, para. 69). In addition, the routes taken by most undocumented migrants are often dangerous.

64. The Working Group will also enquire as to how enforced disappearances may result from the greater vulnerability experienced by migrants stemming from the fact that they are "invisible" to some extent (those who enter in an irregular manner are not recorded, while many of those who enter in a regular manner often remain unaccounted for).[31]

65. Finally, migrants are often the object of multiple forms of discrimination based on grounds such as their race, national origin, language, religion, gender, age, sexual orientation etc. Those multiple forms of discrimination may accumulate or intersect to constitute a unique and distinct form of discrimination, or intersectional discrimination (see, for example, E/CN.4/2005/85).

66. The study will thus assess to what extent those factors can specifically increase risks of migrants being subjected to enforced disappearances.

(ii) State migratory and counter-terrorism policies

67. Many States' migration policies adopted in the last decades, as well as the militarization of borders, have led to an expansion of trafficking and smuggling of migrants. In order to avoid the restrictive measures adopted by the States, many migrants choose clandestine and less safe roads, which are not surveilled by State authorities and are often controlled by illegal groups with the cooperation or acquiescence of State agents. The discourse and language used to address the issue of migration and, in particular, to qualify migrants, notably those with irregular status — often associating them with security threats and criminality — places them in a situation of increased vulnerability, thus exposing them further to violence and to becoming victims of human rights violations (see, for example, A/HRC/20/24, paras. 8 and 13).[32] The Working Group will analyse if and how those policies contribute to the specific phenomenon of enforced disappearances of migrants.

(iii) Obstacles in the search for the truth and justice

68. The transnational nature of migration certainly complicates the efforts of the families of migrants who wish to obtain information concerning a disappeared relative. In many instances, it is reported that there is no established protocol for family members to denounce a disappearance abroad, in the country where the crime occurred. Similarly, there are no forensic data banks to register DNA for the disappeared or evidence contributing to the research of remains. If such mechanisms exist, they are often said to be ineffective, not ensuring that family members living abroad may access them.

69. In addition to those problems, the Working Group will also examine broader obstacles that may complicate the search for the truth, such as language and cultural barriers, lack of cooperation from the country of origin, corruption, lack of financial means, the impossibility of travelling to the country where the disappearance occurred, the lack of access to effective legal services etc.

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[31] See Council of Europe, "Missing persons and victims of enforced disappearance in Europe", Issue Paper (March 2016), p. 23. Available at https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH/IssuePaper(2016)1&Language=lanEnglish&direct=true. See also Council of Europe, "The human rights of irregular migrants in Europe", Issue Paper (December 2007), p. 7. Available at https://wcd.coe.int/ViewDoc.jsp?p=&id=1237553&direct=true.

[32] See also OEA/Ser.L/V/II.Doc48/13, p. 42.

(d) State obligations in the context of the enforced disappearance of migrants

70. The Working Group also aims at addressing in greater detail some of the obligations that States bear under international law to prevent and remedy enforced disappearances of migrants.

(i) Prevention of enforced disappearance of migrants

71. States have an obligation to adopt effective legislative, administrative, judicial and other measures, including migratory policy-related measures, in order to prevent and terminate acts of enforced disappearances of migrants in their territory.[13] All acts of enforced disappearances shall also be offences under criminal law punishable by appropriate penalties, which shall take into account their extreme seriousness.[14]

72. No order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance[15] and States must ensure that orders or instructions directing, authorizing or encouraging any enforced disappearance are prohibited. Accordingly, States must ensure that no pretext, such as a migratory crisis, can justify acts of enforced disappearances, including disappearances of migrants.

73. Other preventive measures need to be specifically tailored to address factors that increase the risk of disappearances of migrants, such as by ensuring language services in migratory processes, ensuring better control of dangerous routes, investigating, prosecuting and sanctioning organized criminal organizations who abuse migrants etc.

(ii) Detention of migrants and deportation procedures

74. Migrants deprived of liberty must be held in an officially recognized place of detention and their detention must be formally registered, including with accurate information on their detention and place or places of detention.[16] An official up-to-date register of all migrants deprived of their liberty shall be maintained in every place of detention. Those provisions are equally applicable to all migrants irrespective of the regularity of their migratory status. The Working Group will assess the scope of that obligation in the light of the different contexts of capture and detention of migrants, as well as the particular nature and cause of the detention.

75. Similarly, all deportation of migrants must be formally documented and undertaken in accordance with the law in order to avoid disappearances during those processes, including temporary disappearances. Accordingly, all migrants deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability to exercise fully their rights are assured.[17]

76. Migrant detainees should also be allowed to communicate with their loved ones and representatives, and should be informed of their right to communicate with the consular authorities of their country of origin.[18]

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[13] See art. 3 of the Declaration.

[14] See art. 4 of the Declaration.

[15] See arts. 6 and 7 of the Declaration.

[16] See art. 10 of the Declaration.

[17] See art. 11 of the Declaration.

[18] See art. 17 (2) (d) of the International Convention for the Protection of All Persons from Enforced Disappearance and art. 16 (7) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

77. Refugees and other migrants may not be deported to States where they risk being subjected to enforced or involuntary disappearances or other forms of persecution.[40]

(viii) Remedies for migrant victims of enforced disappearances and their families

78. States must ensure a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of migrants deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty, in order to prevent enforced disappearances.[41]

79. The Declaration provides, among other things, the right to an adequate remedy, requiring States to conduct a thorough and impartial investigation, including initiatives to search for individuals, as well as localization, respect and restitution in case of death. It is of the utmost importance that States prevent remains from being moved to common graves or simply displaced, as such measures can derail the investigations.

80. It is also essential, that each State — origin, transit and destination — takes the necessary measures to establish its competence to exercise jurisdiction over the offence of enforced disappearances of migrants in accordance with the applicable principles of international law.[42]

[40] See art. 8 of the Declaration.
[41] See also art. 9 of the Declaration.
[42] See art. 9 of the Convention.

III. Decisions on individual cases taken by the Working Group and communications transmitted to the States concerned during the reporting period[42]

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by		Number of cases of possible clarification by Government, but not yet three-month rule	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Source			Prompt intervention letter	Urgent appeal	General allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to general allegation	Response to other letter
Afghanistan	3	-	-	-	-	-	3	-	-	-	-	-	-	-	-
Albania	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Algeria[43]	3 104	-	37	-	-	-	3 139	-	-	-	-	-	-	-	-
Angola	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-
Argentina[44]	3 271	1	-	-	26	-	3 244	-	-	-	-	-	-	-	-
Bahrain	3	2	-	-	1	-	4	-	-	-	-	-	-	-	-
Bangladesh	30	1	4	-	1	-	34	1	-	1	-	-	-	-	-
Belarus	3	-	-	-	-	-	3	-	-	-	-	-	-	-	-
Bhutan	5	-	-	-	-	-	5	-	-	-	-	-	-	-	-
Bolivia (Plurinational State of)	28	-	-	-	-	-	28	-	-	-	-	-	-	-	-
Brazil	13	-	-	-	-	-	13	-	-	-	-	-	-	-	-
Burundi	52	1	-	-	-	-	53	-	-	-	-	-	-	-	-
Cambodia	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-

[42] Urgent actions are cases of enforced disappearances occurred within three months prior to the receipt of a report by the Working Group, or cases of enforced disappearances occurred prior to the three-month limit, but within one year prior to the receipt of a report by the Working Group, provided that there is a link with a case that occurred within the three-month period. Standard cases are cases of enforced disappearances occurred prior to the three-month limit. Prompt intervention letters concern cases of intimidation, persecution or reprisal against families of disappeared persons, witnesses, lawyers, human rights defenders and other individuals concerned with disappearances. Urgent appeals concern allegations of enforced disappearances, or allegations regarding persons deprived of liberty who are at risk of being disappeared. General allegations concern alleged obstacles encountered in the implementation of the Declaration.

[43] The Working Group determined during its 109th session that two cases were duplicates and subsequently expunged them from the records.

[44] The Working Group determined during its 107th and 109th session that two cases were duplicates and subsequently expunged them from the records.

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by			Number of cases of possible clarification by Government (6 month rule)	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Sources (6 month rule)				Prompt intervention letter	Urgent appeal	General allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to general allegation	Response to other letter
Cameroon	14	-	-	-	-	-	14	-	-	1	-	-	-	-	-	
Central African Republic	3	-	-	-	-	-	3	1	-	-	-	-	-	-	-	
Chad	23	-	-	-	-	-	23	-	-	-	-	-	-	-	-	
Chile	786	-	-	2	-	-	784	-	-	-	-	-	-	-	-	
China	40	6	-	1	4	1	41	1	-	-	-	-	-	-	-	
Colombia	971	1	1	-	-	-	973	1	-	1	-	-	-	1	-	
Congo	89	-	-	-	-	-	89	1	-	-	-	-	-	-	-	
Democratic People's Republic of Korea	53	-	41	-	-	-	94	-	-	-	-	-	-	-	-	
Democratic Republic of the Congo	47	-	-	-	-	-	47	-	1	-	1	-	-	-	1	
Dominican Republic	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-	
Ecuador	5	-	-	-	-	-	5	-	-	-	-	-	-	-	-	
Egypt	124	131	21	36	14	27	226	-	-	1	-	-	-	-	-	
El Salvador	2 280	-	2	-	-	-	2 282	-	-	-	-	1	-	1	-	
Equatorial Guinea	8	-	-	-	-	-	8	-	-	-	-	-	-	-	-	
Eritrea	56	-	6	-	-	-	62	-	1	-	-	-	-	-	-	
Ethiopia	112	-	-	-	-	-	112	-	1	-	-	-	-	-	-	
France	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	
Gambia[45]	7	-	1	-	4	-	4	-	-	-	-	1	-	-	-	
Greece	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	
Guatemala	2 897	-	-	-	-	-	2 897	1	-	-	-	1	-	-	-	

[45] The Working Group decided at its 107th session to transmit one case from Senegal to the Gambia.

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by		Number of cases of possible clarification by Government	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Sources (6-month rule)			Prompt intervention letter	Urgent appeal	General allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to general allegation	Response to other letter
Guinea	37	-	-	-	-	-	37	-	-	-	-	-	-	-	-
Guyana		-	1	-	-	-	1	-	-	-	-	-	-	-	-
Haiti	38	-	-	-	-	-	38	-	-	-	-	-	-	-	-
Honduras	130	-	-	-	-	-	130	-	-	-	-	-	-	-	-
India	354	-	-	-	-	-	354	1	-	-	-	-	-	-	-
Indonesia	163	1	-	-	1	-	163	-	-	-	-	-	-	-	-
Iran (Islamic Republic of Iran)	522	-	3	1	-	-	524	-	-	-	-	1	-	-	-
Iraq	16 408	-	5	-	-	-	16 413	1	1	-	-	-	-	-	-
Israel	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-
Italy	-	-	-	-	-	-	-	-	-	-	1	-	-	-	1
Jordan	3	2	-	-	1	-	4	-	-	-	-	-	-	-	-
Kenya	61	1	10	-	-	-	72	-	-	1	-	-	-	-	-
Kuwait	1	1	-	-	-	-	2	-	-	-	-	-	-	-	-
Lao People's Democratic Republic	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-
Lebanon	313	-	-	-	-	-	313	-	-	-	-	-	-	-	-
Libya	10	1	7	-	-	-	18	-	-	-	-	-	-	-	-
Maldives	-	-	1	-	-	-	1	-	-	-	-	-	-	-	-
Mauritania	4	-	-	-	-	-	4	-	-	-	-	-	-	-	-
Mexico	366	1	12	-	1	-	378	1	-	-	-	2	-	-	-
Morocco[a]	86	1	11	-	1	-	96	-	-	-	1	-	-	-	-
Mozambique	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-
Myanmar	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-

[a] The Working Group determined during its 109th session that one case was a duplicate and subsequently expunged it from the records.

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by		Number of cases of possible clarification by Government (6-month rule)	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Sources (if)			Prompt intervention letter	Urgent appeal	General allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to general allegation	Response to other letter
Namibia	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-
Nepal	459	-	2	-	-	-	461	-	-	-	-	-	-	-	-
Nicaragua	103	-	-	-	-	-	103	-	-	-	-	-	-	-	-
Oman	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Pakistan[47]	200	321	37	14	32	1	511	1	-	1	1	-	-	-	-
Peru	2 365	-	-	-	-	-	2 365	-	-	-	-	-	-	-	-
Philippines	625	-	-	-	-	-	625	-	-	-	-	-	-	-	-
Portugal	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-
Republic of Korea	-	-	3	-	-	-	3	-	-	-	-	-	-	-	-
Russian Federation	476	-	4	-	-	-	480	-	-	-	-	-	-	-	-
Rwanda	22	1	-	-	-	-	23	-	-	-	-	-	-	-	-
Saudi Arabia	5	-	-	-	-	-	5	-	-	-	-	-	-	-	-
Senegal[48]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Serbia	-	-	-	-	-	-	-	1	-	-	-	-	-	-	-
Seychelles	3	-	-	-	-	-	3	-	-	-	-	-	-	-	-
Somalia	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-
South Africa	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-
South Sudan	1	1	-	-	-	-	2	-	-	-	-	-	-	-	-
Spain	6	-	1	-	-	-	7	-	-	-	-	-	-	-	1
Sri Lanka[49]	5 750	-	16	7	-	-	5 758	-	-	-	-	-	-	-	-
Sudan	173	1	-	-	-	-	174	-	-	-	-	-	-	-	-
Syrian Arab Republic[50]	130	2	49	-	1	-	179	-	-	-	-	-	-	-	-

[47] The Working Group determined during its 107th session that one case was a duplicate and subsequently expunged it from the records.

[48] The Working Group decided at its 107th session to transmit one case from Senegal to the Gambia.

[49] The Working Group determined during its 109th session that one case was a duplicate and subsequently expunged it from the records.

Countries	Number of outstanding cases at the beginning of the period under review	Cases transmitted to the Government during the reporting period		Cases clarified during the period under review by		Number of cases of possible clarification by Government (6-month rule)	Number of outstanding cases at the end of the period under review	Communications sent during the period under review				Communications received during the period under review			
		Urgent actions	Standard cases	Government	Sources			Prompt intervention letter	Urgent appeal	Concise allegation	Other letter	Response to prompt intervention letter	Response to urgent appeal	Response to concise allegation	Response to other letter
Tajikistan	3	-	-	-	-	-	3	-	-	-	-	-	-	-	-
Thailand	82	-		-	-	-	82	-	-	-	-	-	-	-	-
Timor-Leste	428	-	-	-	-	-	428	-	-	-	-	-	-	-	-
Togo	10	-	-	-	-	-	10	-	-	-	-	-	-	-	-
Tunisia	2	-	-	-	-	-	2	-	-	-	-	-	-	-	-
Turkey	79	-	-	1	-	2	78		-	-		-	-	-	-
Turkmenistan	3	-	-	-	-	-	3	-	-	-	-	-	-	-	-
Uganda	15	-	-	-	-	-	15	-	-	-	-	-	-	-	-
Ukraine	5	-	1	-	-	-	6	-	-	-	-	-	1	-	-
United Arab Emirates	16	6	-	5	7	1	10	-	-	-		-	-	-	-
United States of America	-	-	4	-	-	-	4	-	-	-	1	-	-	-	-
Uruguay	17	-	-	-	-	-	17	-	-	1	-	-	-	1	-
Uzbekistan	7	-	-	-	-	-	7	-	-	-	-	-	-	-	-
Venezuela (Bolivarian Republic of)	12	-	3	-	-	-	15	1	-	-	-	-	-	-	-
Viet Nam	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-
Yemen	11	-	-	-	-	-	11		-	-	-	-	-	-	-
Zimbabwe	5	-	-	-	-	-	5	-	-	-	-	-	-	-	-
State of Palestine	4	-	-	-	-	-	4	-	-	-	-	-	-	-	-

[81] The Working Group determined during its 108th session that one case was a duplicate and subsequently expunged it from the records

IV. Observations

81. In addition to the observations formulated in its post-sessional documents (see para. 7 above), the Working Group makes the following country-specific observations based on the cooperation received and on significant developments regarding its mandate during the whole reporting period.

Algeria

82. The Working Group reiterates its disappointment (see A/HRC/30/38, para. 58) that, in spite of an official communication received in February 2014 in which the Government invited the Working Group to visit Algeria during the second semester of 2014, it has not accepted the different dates offered by the Working Group. The Working Group continues to hope that it can soon be allowed to conduct a visit to the country.

Bangladesh

83. The Working Group reiterates its regrets that no information has been received from the Government in connection with two general allegations transmitted on 4 May 2011, concerning the alleged frequent use of enforced disappearance as a tool by law enforcement agencies, paramilitary and armed forces to detain and even extrajudicially execute individuals (see A/HRC/22/45 and Corr.1, para. 33, and A/HRC/30/38, para. 61); and on 9 March 2016, concerning the reportedly alarming rise of the number of cases of enforced disappearances in the country (see A/HRC/WGEID/108/1, para. 6).

84. On 12 March 2013, the Working Group requested an invitation to undertake a visit to the country. No response yet has been received from the Government in spite of reminders sent. The Working Group hopes that a positive reply will be received soon.

Burundi

85. The Working Group is concerned about the ongoing situation of violence and instability in Burundi, which may facilitate the occurrence of enforced disappearances. It reiterates article 7 of the Declaration, which provides that no circumstances whatsoever may be invoked to justify enforced disappearances.

86. On 27 May 2009, the Working Group requested an invitation to undertake a visit to the country. Despite reminders sent, no response yet has been received from the Government. The Working Group hopes that a positive reply will be received soon.

Congo

87. The follow-up report on the implementation of the recommendations made by the Working Group after its visit to the Congo in 2012 (A/HRC/19/58/Add.3) can be found in document A/HRC/33/51/Add.4. The Working Group regrets that the Government of the Congo did not cooperate with the Working Group in the process of producing the follow-up report. It hopes that the recommendations contained in the report will be duly and promptly implemented.

Democratic People's Republic of Korea

88. The Working Group, on the basis of the recommendation of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (see A/HRC/28/71, para. 67), decided to request an invitation to undertake a visit to the country on 22 May 2015. The Working Group hopes that a positive reply will be received soon.

Egypt

89. The Working Group thanks the Government for the high number of replies, which demonstrate the Government's commitment to engage with the Working Group and allowed it to clarify a high number of cases. It is also grateful for the constructive meeting held during the 109th session of the Working Group. It is however extremely concerned that, during the reporting period, it transmitted 131 new cases under its urgent action procedure to the Government (see A/HRC/WGEID/107/1, paras. 36–43; A/HRC/WGEID/108/1, para. 45; A/HRC/WGEID/109/1, paras. 27 ff.) in relation to what seems to be an increasing pattern of disappearances, notably short-term disappearances (see A/HRC/30/38, para. 67). It reiterates that, as provided in article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances, and that accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information (art. 10 (2) of the Declaration).

90. On 30 June 2011, the Working Group requested an invitation to undertake a visit to the country. No response yet has been received from the Government in spite of reminders sent. The Working Group hopes that a positive reply will be received soon.

India

91. The Working Group regrets that it has not received a reply to a letter, transmitted jointly with two other special procedures mandate holders on 23 January 2015, concerning the allegations of continuing construction work on the site of a newly discovered mass grave (see A/HRC/WGEID/105/1, para. 66, and A/HRC/30/38, para. 73). The Working Group emphasized the importance of preserving mass grave sites, including ensuring that an effective criminal and forensic investigation can take place, and to take appropriate measures to assist victims to achieve truth and justice.

92. On 16 August 2010, the Working Group requested an invitation to undertake a visit to the country. No positive response has been received yet in spite of reminders sent. The Working Group hopes that a positive reply will be received soon.

Kenya

93. The Working Group is concerned at the lack of replies from the Government to its communications, including two general allegations transmitted on 30 September 2014 in relation to enforced disappearances and other human rights violations reportedly carried out by the Anti-Terrorism Police Unit (see A/HRC/WGEID/104/1, paras. 71-78, and A/HRC/30/38, para. 76); and on 4 March 2016 in relation to alleged human rights violations, including enforced disappearances of terrorism suspects, in the context of high-handed security measures, such as the "Usalama Watch" security operation carried out in April 2014 (see A/HRC/WGEID/108/1, para. 6). The Working Group reiterates that, as

provided in article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances.

94. On 19 February 2013, the Working Group requested an invitation to undertake a visit to the country. No response yet has been received from the Government in spite of a reminders sent. The Working Group hopes that a positive reply will be received soon.

Mexico

95. The Working Group recommends that the Government of Mexico duly implement the recommendations contained in the follow-up report to the recommendations made by the Working Group after the visit to Mexico in 2011 (see A/HRC/30/38/Add.4).

96. With respect to the case of the 43 disappeared student teachers of Ayotzinapa, the Working Group notes with concern and agrees with the final report by the Interdisciplinary Group of Independent Experts of the Inter-American Commission on Human Rights, which identifies serious gaps in the investigations carried out so far by the authorities and highlights serious deficiencies in the justice system and a worrying weakness of the State to investigate with due diligence gross human rights violations. The Working Group also regrets the campaigns to discredit the legitimate and highly valuable work of various civil society organizations and human rights defenders who have supported the families of students and other victims.[1] Finally, the Working Group fully supports the decision made by the Inter-American Commission on Human Rights to establish a special follow-up mechanism to the work of the Interdisciplinary Group of Independent Experts and urges the State to participate and actively collaborate in such mechanism in order to make it effective.

Pakistan

97. The Working Group is concerned that, during the reporting period, it transmitted to the Government 321 new cases under its urgent action procedure, a large number of which concern individuals abducted in the Sindh Province, who are reportedly affiliated with the Muttahida Quami Movement (see A/HRC/WGEID/107/1, paras. 77-80; A/HRC/WGEID/108/1, para. 74; A/HRC/WGEID/109/1, paras. 60-65). The Working Group thanks the Government for the replies dated 2 and 4 February 2016 providing information on a high number of cases, which demonstrate the Government's commitment to engage with the Working Group. It is also grateful for the constructive meeting held during the 109th session of the Working Group. However, it reiterates that, as provided in article 7 of the Declaration, no circumstances whatsoever may be invoked to justify enforced disappearances, and that accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information (art. 10 (2) of the Declaration).

98. The Working Group reiterates its regrets that the Government did not reply to the concerns mentioned in the general allegation concerning the Protection of Pakistan Act, transmitted by the Working Group on 20 November 2015, jointly with other mandates.

99. The follow-up report on the implementation of the recommendations made by the Working Group after its visit to Pakistan in 2012 (see A/HRC/22/45/Add.2) can be found in document A/HRC/33/51/Add.4. The Working Group thanks the Government of Pakistan for its cooperation throughout the process, but regrets that most of the recommendations

[1] See also on this para. 35 above.

contained in its country visit report have not been implemented. The Working Group hopes that its recommendations will be duly and promptly implemented.

Russian Federation

100. On 2 November 2006, the Working Group requested an invitation to undertake a visit to the country. No positive response has been received yet in spite of reminders sent. The Working Group hopes that a positive reply will be received soon.

South Sudan

101. The Working Group welcomes the invitation received to visit the country and looks forward the conduct of the visit during the last quarter of 2016.

Syrian Arab Republic

102. The Working Group continues to be gravely concerned about the situation in the Syrian Arab Republic, which may facilitate the occurrence of enforced disappearances. It reiterates article 7 of the Declaration, which provides that no circumstances whatsoever may be invoked to justify enforced disappearances.

103. The Working Group reiterates its call to the Security Council to consider referring the situation in the Syrian Arab Republic to the International Criminal Court (see A/HRC/27/49, para. 99).

104. On 19 September 2011, the Working Group requested an invitation to undertake a visit to the country. No response yet has been received from the Government in spite of reminders sent. The Working Group hopes that a positive reply will be received soon.

Thailand

105. On 30 June 2011, the Working Group requested an invitation to undertake a visit to the country. No positive response yet has been received from the Government in spite of reminders sent. The Working Group hopes that a positive reply will be received soon.

Timor-Leste

106. The Working Group reiterates its regrets that the Government of Timor-Leste did not cooperate with the Working Group in the process of producing the follow-up report presented to the Human Rights Council in September 2015 (see A/HRC/30/38, para. 90). The Working Group hopes that the recommendations contained in the report will be nevertheless duly implemented (see A/HRC/30/38/Add.4).

United Arab Emirates

107. On 13 September 2013, the Working Group requested an invitation to undertake a visit to the country. No response yet has been received from the Government in spite of a reminders sent. The Working Group hopes that a positive reply will be received soon.

Ukraine

108. The Working Group continues to be gravely concerned about the situation in Ukraine, which may facilitate the occurrence of enforced disappearances. It reiterates article 7 of the Declaration, which provides that no circumstances whatsoever may be invoked to justify enforced disappearances. On 22 April 2016, the Working Group requested an invitation to undertake a visit to the country and hopes that a positive reply will be received soon.

Yemen

109. The Working Group is concerned about the deteriorating situation in Yemen, which may facilitate the occurrence of enforced disappearances (see A/HRC/30/31). It reiterates article 7 of the Declaration, which provides that no circumstances whatsoever may be invoked to justify enforced disappearances.

V. Conclusions and recommendations

110. **The Working Group is seriously concerned that the number of enforced disappearances is increasingly rising across the world with the false and pernicious belief that they are a useful tool to preserve national security and combat terrorism or organized crime. A demonstration of this sad reality is the fact that, during the reporting period, the Working Group transmitted 766 newly reported cases of disappearance to 37 States. It used the urgent action procedure in 483 of those cases, which allegedly occurred within the three months preceding the receipt of the report by the Working Group. The number of urgent actions transmitted in the course of the reporting year is more than three times higher than those reflected in the previous year's annual report. This is of extreme concern.**

111. **In spite of the large number of cases, underreporting remains a major problem. More assistance should be provided to family members and members of civil society to enable them to report cases to the Working Group and more importantly to keep working on enforced disappearance issues.**

112. **The Working Group cannot discharge its mandate without the cooperation of States, particularly in providing information to the families about the fate or whereabouts of disappeared persons. In that respect, the Working Group welcomes that a high number of States continued cooperating with the mandate with regular and substantive replies. At the same time, it remains concerned that a significant number have never replied to the Working Group or have provided responses that do not contain any relevant information. The Working Group urges all States to fulfil their obligations under the Declaration and the relevant resolutions of the General Assembly and the Human Rights Council to properly investigate cases of enforced disappearances and to cooperate with the Working Group.**

113. **During the reporting period, the Working Group continued to observe a pattern of "short-term" enforced disappearances being used in a number of countries. The Working Group expresses its deep concern at the phenomenon. It stresses that there is no time limit, no matter how short, for an enforced disappearance to occur and that accurate information on the detention of any person deprived of liberty and their place of detention shall be made promptly available to their family members.**

114. The Working Group is concerned about the situation in a number of countries, as reflected in the present report. It reiterates article 7 of the Declaration, which provides that no circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances. The number of urgent actions sent during the reporting period, in particular to Egypt and Pakistan, is of serious concern. The Working Group appreciates that both Governments maintain a fruitful dialogue with the Working Group and cooperate with the mandate, including through providng information on cases.

115. The Working Group continues to be concerned about increasing instances of abductions carried out by non-State actors, which may be tantamount of acts of enforced disappearances. The Working Group held an expert meeting in February 2016 to discuss the issue and will continue to study whether those situations may fall under its mandate and, if so, what actions should be taken. The Working Group calls on all relevant stakeholders to take appropriate measures in relation to the issue and to provide information to, and share their views on the matter with, the Working Group.

116. The Working Group continues to note a pattern of threats, intimidation and reprisals against victims of enforced disappearance, including family members, witnesses and human rights defenders working on such cases. It calls upon States to take specific measures to prevent such acts, protect those working on cases of enforced disappearances and punish the perpetrators, in accordance with article 13 (1) and (3) of the Declaration. The Working Group reiterates its support for the establishment of a United Nations-wide senior focal point to engage with all stakeholders, in particular Member States, to promote the prevention of, protection against and accountability for reprisals and intimidation related to cooperation with the United Nations, its representatives and mechanisms (see A/HRC/27/49, para. 119 and A/HRC/30/38, para. 104). It regrets that still no progress has been made on that matter during the reporting period.

117. The Working Group has decided to study further the question of enforced disappearances in the context of migration (see above, paras. 45 ff.). It calls upon all States to also carefully look into the matter and inform the Working Group of any measure taken to prevent and combat that phenomenon.

118. Country visits are an integral part of the mandate fulfilled by the Working Group. Visits allow the Working Group to highlight country practices in addressing enforced disappearance, to assist States in reducing obstacles to implement the Declaration and to ensure direct contact with the family members of victims. The Working Group thanks the Government of South Sudan for the invitation extended during the reporting period. It also recognizes the support provided by the Governments of Sri Lanka and Turkey during the visits carried out in the reporting period. During that period, the Working Group requested visits to Lebanon and Ukraine, which have both issues standing invitations to special procedures of the Human Rights Council. In addition to those new requests, the Working Group has requested in the past — and reiterated during the reporting period — a visit to the following countries, without having yet received a positive response: Bangladesh, Bahrain, Belarus, Burundi, China, Egypt, India, Indonesia, Kenya, Nepal, Nicaragua, the Philippines, the Russian Federation, Rwanda, South Africa, the Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, the United Arab Emirates, Uzbekistan and Zimbabwe. There are other countries that have invited the Working Group to visit and/or confirmed invitations, but for which specific dates to visit have not been agreed, such as Algeria, the Islamic Republic of Iran and the

Sudan. The Working Group therefore calls upon all States with pending requests for visits to respond favourably to them in the light of Human Rights Council resolution 21/4, and those that have agreed to visits to respond as soon as possible with specific dates.

119. Observing that many of the commissions of inquiry and other fact-finding or investigative bodies created by the Human Rights Council gather abundant information on human rights violations, including enforced disappearances, the Working Group recommends that the Council consider giving the Working Group a role in the follow-up to these findings once the mandate of those commissions or bodies ends, including by providing for the possibility of transferring the information concerning cases of enforced disappearances to the Working Group.

120. The Working Group continues the practice of holding one session per year outside Geneva to inter alia facilitate the interaction with relatives of the disappeared and raise awareness of the Working Group's mandate and activities at the local and regional level. It appreciates the invitation received from Morocco to host a session during the reporting period, as well as that from the Republic of Korea to host in Seoul a session in 2017. The Working Group invites other countries to follow those good examples.

121. The Working Group once again calls upon States that have not signed and/or ratified the International Convention for the Protection of All Persons from Enforced Disappearance to do so as soon as possible and to accept the competence of the Committee on Enforced Disappearances to receive individual cases under article 31, and inter-State complaints under article 32 of the Convention.

Annex I

Country visit requests and invitations extended

Invitations extended by the WGEID

Country	*Date*
Albania	tbd
Algeria[a]	tbd
Ecuador	tbd
Iran (Islamic Republic of)[b]	tbd
Kyrgyzstan	tbd
Libya	tbd, postponed
South Sudan	Last quarter of 2016
Sudan	tbd
Tajikistan	tbd

Visits requested by the WGEID

Country	*Request sent*	*Last reminder sent*
Bahrain	27 October 2014	27 November 2015
Bangladesh	12 March 2013	27 November 2015
Belarus	30 June 2011	27 November 2015
Burundi	27 May 2009	27 November 2015
China	19 February 2013	27 November 2015
Egypt	30 June 2011	27 November 2015
India	16 August 2010	27 November 2015
Indonesia	12 December 2006	27 November 2015
Kenya	19 February 2013	27 November 2015
Lebanon	27 November 2015	
Nepal	12 May 2006	27 November 2015
Nicaragua	23 May 2006	27 November 2015
Philippines	3 April 2013	27 November 2015

[a] Please refer to para. 81 of the current document.
[b] Please refer to para. 29 of the current document.

Visits requested by the WGEID

Country	*Request sent*	*Last reminder sent*
Russian Federation	2 November 2006	27 November 2015
Rwanda	27 October 2014	27 November 2015
South Africa	28 October 2014	27 November 2015
South Sudan	29 August 2011	27 November 2015
Syrian Arab Republic	19 September 2011	27 November 2015
Thailand	30 June 2011	27 November 2015
The former Yugoslav Republic of Macedonia	27 October 2014	27 November 2015
Ukraine	22 April 2016	
United Arab Emirates	13 September 2013	27 November 2015
Uzbekistan	30 June 2011	27 November 2015
Zimbabwe	20 July 2009	27 November 2015

Annex II

Statistical summary: cases of enforced or involuntary disappearance reported to the Working Group between 1980 and 2016, and general allegations transmitted

	Cases transmitted to the Government				Cases clarified by		Status of person at date of clarification					General Allegation	
	Outstanding cases		Total							Discontinued cases	Closed cases		
States entities	Cases	Female	Cases	Female	Government	Sources	At liberty	In detention	Dead			Urgent	Response
Afghanistan	3		3										
Albania	1		1										
Algeria	3 139	20	3 168	21	9	20	11	10	8			Yes (2013)	Yes
Angola	2		12	1	7				7	3			
Argentina	3 244	727	3 446	774	124	78	39	5	158				
Bahrain	4		14		2	8	2	8				Yes (2014)	Yes
Bangladesh	34	1	36	2	1	1	2					Yes (2011, 2016)	No
Belarus	3		3										
Bhutan	5		5										
Bolivia (Plurinational State of)	28	3	48	3	19	1	19		1				
Bosnia and Herzegovina												Yes (2009/2011/2014)	Yes
Brazil	13		63	4	46	4	1		49				
Bulgaria			3		3				3				
Burkina Faso			3		3				3				
Burundi	53	1	54	1		1	1						
Cambodia	1		3							2			
Cameroon	14		19		5		4	1				Yes (2016)	No
Central African Republic	3		3									Yes (2013)	No
Chad	23		34		3	8	9	1	1				
Chile	784	63	907	65	100	23	2		121				

States entities	Cases transmitted to the Government				Cases clarified by:		Status of person at date of clarification					General allegation	
	Outstanding cases		Total										
	Cases	Female	Cases	Female	Government	Sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	Art. 30	Response
China	41	23	138	21	78	19	59	36	2			Yes (2010, 2011)	Yes
Colombia	973	96	1 260	126	219	68	160	24	103			Yes (2012, 2013, 2016)	Yes
Congo	89	3	91	3						2			
Cuba			1		1			1					
Czech Republic												Yes (2009)	Yes
Democratic People's Republic of Korea	94	23	94	23								Yes (2012)	No
Democratic Republic of the Congo	47	11	56	11	6	3	9					Yes (2015)	No
Denmark			1			1		1				Yes (2009)	No
Dominican Republic	2		5		2		2			1			
Ecuador	5		27	2	18	4	12	4	6				
Egypt	226	1	311	3	47	38	9	76				Yes (2011, 2016)	Yes
El Salvador	2 282	296	2 673	333	318	73	196	175	20			Yes (2015)	No
Equatorial Guinea	8		8										
Eritrea	62	4	62	4								Yes (2012)	No
Ethiopia	112	1	119	2	3	4	2	5					
France	1		1										
Gambia[a]	4	2	12	2		8	8						
Georgia			1		1				1				
Greece	1		3							2			
Guatemala	2 897	372	3 154	390	177	80	187	6	64			Yes (2011, 2013)	Yes
Guinea	37	2	44	2		7			7				
Guyana	1		1										

[a] At the 107th session, the Working group decided to transfer one case from Senegal to Gambia

A/HRC/33/51

	Cases transmitted to the Government				Cases clarified by:		Status of persons at date of clarification					General Allegation	
	Outstanding cases		Total										
States entities	Cases	Female	Cases	Female	Government	Sources	At liberty	In detention	Dead	Disappeared cases	Clinical cases	GA sent	Response
Haiti	38	1	48	1	9	1	1	4	5				
Honduras	130	21	210	34	37	43	54	8	18				
India	354	11	434	13	68	12	51	7	22			Yes(2009/ 2011/2013)	No
Indonesia	163	3	167	3	3	1	3	1				Yes(2011/ 2013)	No
Iran (Islamic Republic of Iran)	524	102	543	103	14	5	8	2	9				
Iraq	16 413	2 300	16 560	2 317	117	30	122	16	9				
Ireland													
Israel	2		3			1			1			Yes (2009)	No
Japan[b]			4	3									
Jordan	4		5			1		1					
Kazakhstan			2			2		2					
Kenya	72		72									Yes (2011/2014/ 2016)	No
Kuwait	2		2										
Lao People's Democratic Republic	2	1	8	1		5		4	1	1			
Lebanon	313	19	321	19	2	6	7	1					
Libya	18	1	26	1		8	6	2				Yes(2014)	No
Lithuania													
Malaysia			2			1		1				Yes(2012)	Yes
Maldives	1		1							1			
Mauritania	4		4										
Mexico	378	33	558	43	134	30	77	18	69	16		Yes(2013/ 2014)	No
Montenegro			16	1	1			1		14	1		

[b] The four cases were transferred to the Democratic People's Republic of Korea

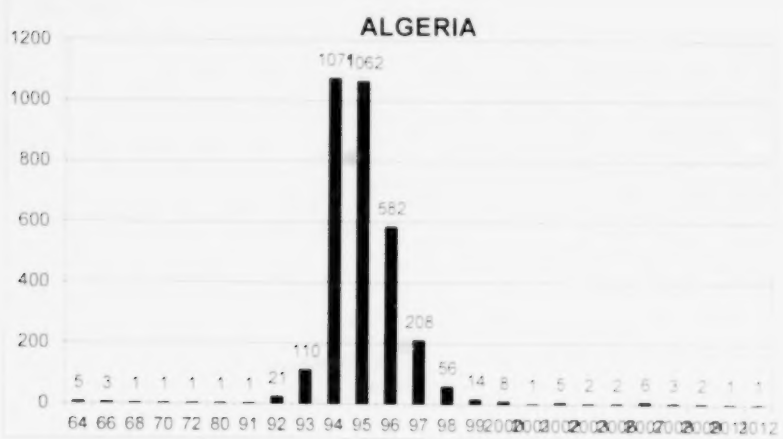
States entities	Cases transmitted to the Government: Outstanding cases: Cases	Cases transmitted to the Government: Outstanding cases: Female	Cases transmitted to the Government: Total: Cases	Cases transmitted to the Government: Total: Female	Cases clarified by: Government	Cases clarified by: Sources	Status of person at date of clarification: At liberty	Status of person at date of clarification: In detention	Status of person at date of clarification: Dead	Discontinued cases	Closed cases	General Allegation: USA sent	General Allegation: Response
Morocco	96	8	330	30	160	53	141	16	56	21		Yes(2013)	Yes
Mozambique	2		2										
Myanmar	2	1	9	6	7		5	2					
Namibia	2		3			1	1						
Nepal	461	56	675	72	135	79	153	60	1			Yes(2014)	No
Nicaragua	103	2	234	4	112	19	45	11	75				
Nigeria			6		6		6						
Oman	1		2			1	1						
Pakistan	511	2	623	2	56	56	53	42	17			Yes(2015)	Yes
Paraguay	0		23		20		19		1	3		Yes(2014)	Yes
Peru	2 365	236	3 006	311	253	388	450	85	106				
Philippines	625	74	786	94	126	35	112	19	30			Yes(2009 2012)	No
Romania			1		1		1						
Republic of Korea	3		3										
Russian Federation	480	25	492	27	2	10	12						
Rwanda	23	2	26	2		2	1	1		1			
Saudi Arabia	5		15		4	4	3	4	1	2			
Serbia	0		1		1		1						
Seychelles	3		3										
Somalia	1		1										
South Africa	1	1	12	2	3	2	1	1	3	6			
South Sudan	2		2										
Spain	7		9		2				2			Yes(2014)	Yes
Sri Lanka	5 758	100	12 349	170	6 551	40	118	27	6 446			Yes(2011 2014)	Yes
Sudan*	174	5	383	37	205	4	209						

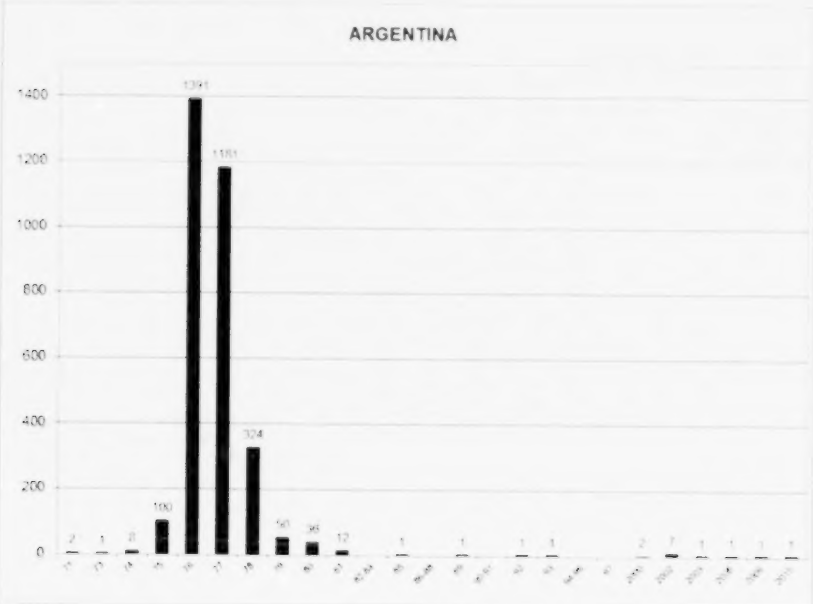
* In 2012, the Working group decided to transfer one case from Sudan to South Sudan

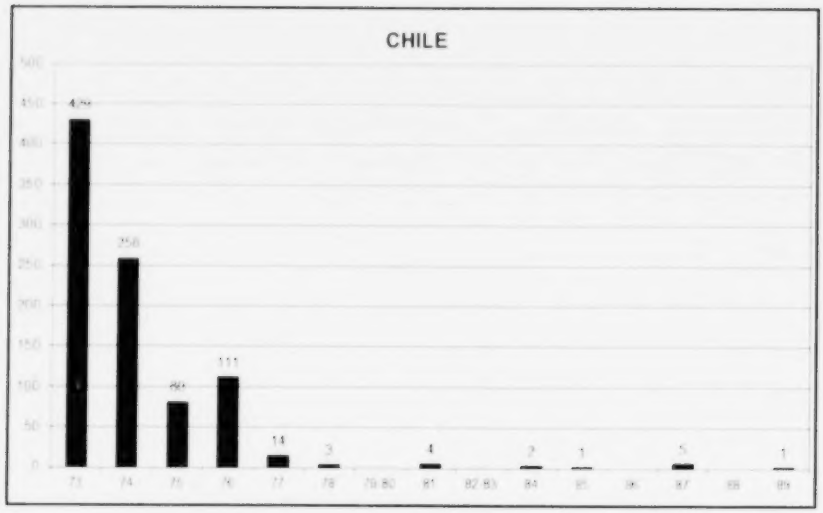
States entities	Cases transmitted to the Government				Cases clarified by		Status of persons at date of clarification					Urgent Allegation	
	Outstanding cases		Total										
	Cases	Female	Cases	Female	Government	Sources	At liberty	In detention	Dead	Discontinued cases	Closed cases	UA sent	Response
Switzerland			1		1			1					
Syrian Arab Republic	179	11	236	12	15	42	30	21	6			Yes(2)(2011)	Yes
Tajikistan	3		10		5	2	1		6				
Thailand	82	8	86	8	2		1	1		2		Yes	No
The former Yugoslav Republic of Macedonia												Yes(2009)	No
Timor-Leste	428	28	504	36	58	18	51	23	2				
Togo	10	2	11	2		1	1						
Tunisia	2		19	1	12	5	2	15					
Turkey	78	2	201	11	73	49	71	24	27	1			
Turkmenistan	3		5		2			2					
Uganda	15	2	22	4	2	5	2	5					
Ukraine	6		8		2		1		1				
United Arab Emirates	10	1	42	5	7	25	8	24					
United Republic of Tanzania			2		2			2					
United States of America	4		5		1		1						
Uruguay	17	2	31	7	13	1	5	4	5			Yes(2013-2015)	Yes
Uzbekistan	7		20		12	1	2	11					
Venezuela (Bolivarian Republic of)	15	2	19	3	4		1		3				
Viet Nam	1		2		1			1					
Yemen	11		169		135	9	66	5	73	14			
Zambia			1	1		1		1					
Zimbabwe	5	1	7	1	1	1	1		1			Yes(2009)	No
State of Palestine	4	1	4	1									

Annex III

Graphs showing the number of cases of enforced disappearances per year and per country according to the cases transmitted by the Working Group during the period 1980–18 May 2016 (only for countries with more than 100 cases transmitted)



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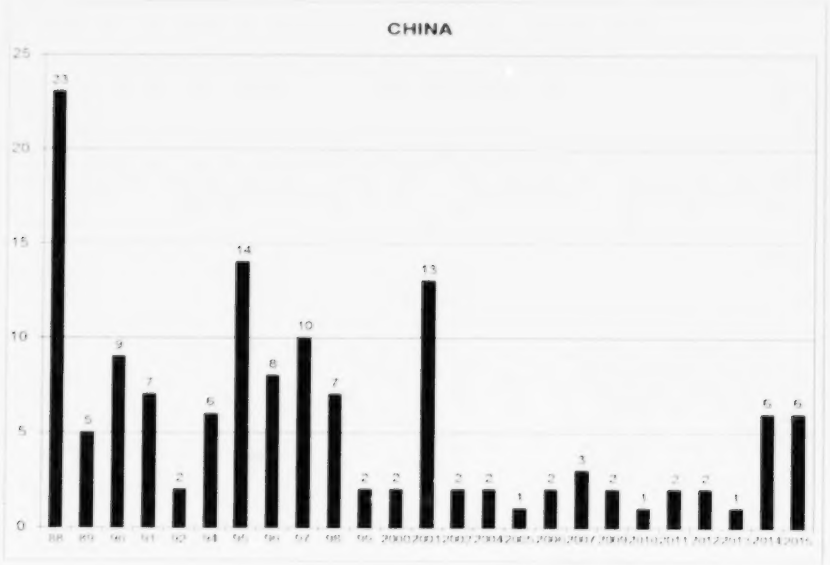
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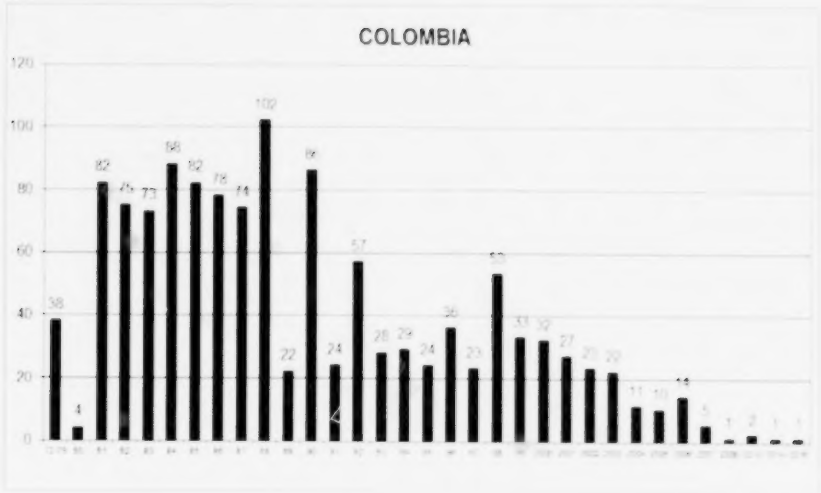
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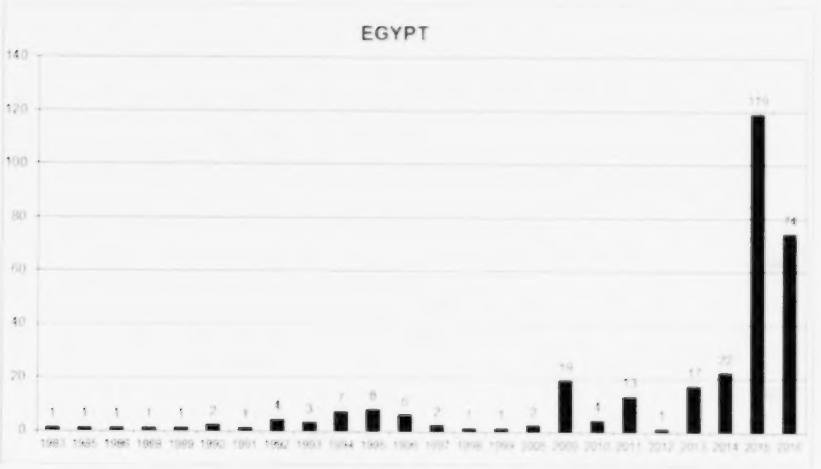
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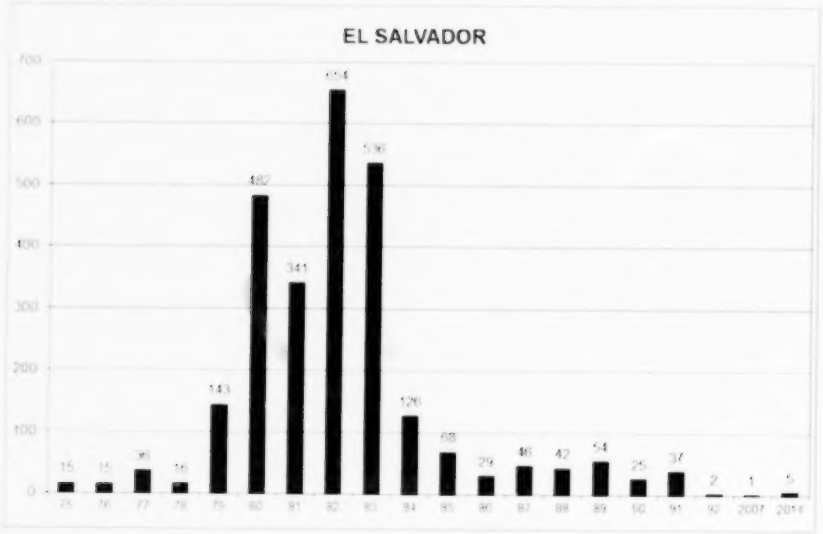
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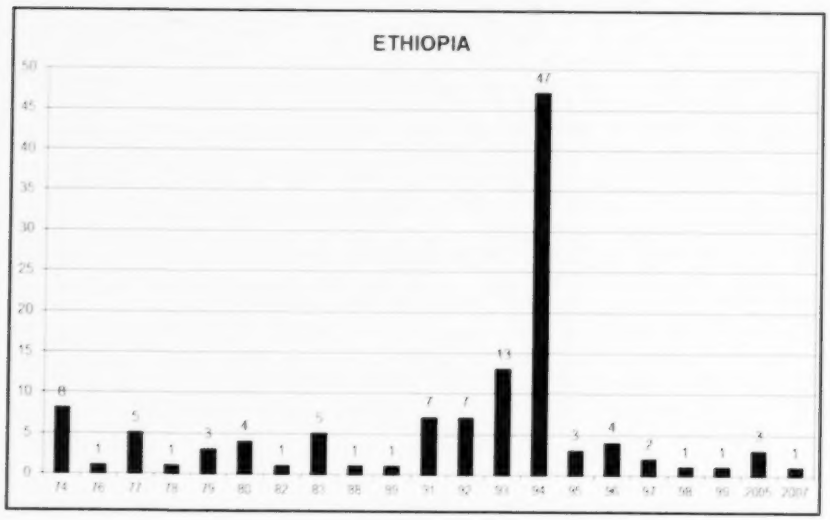
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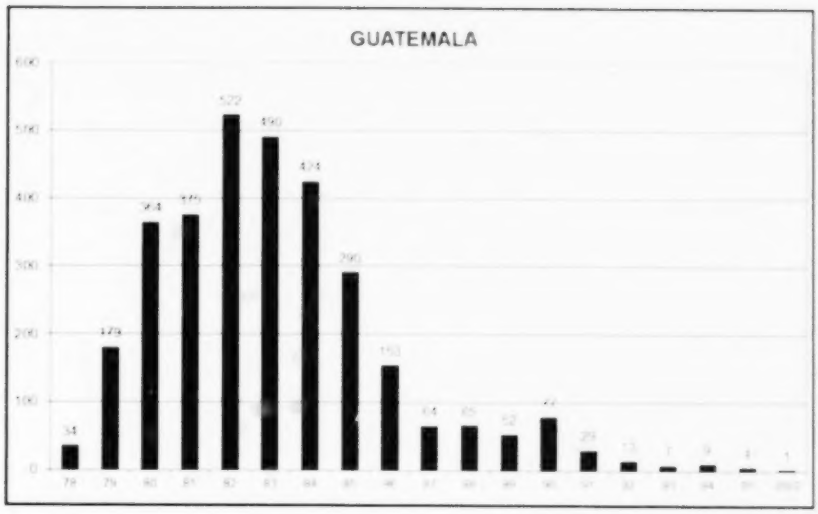
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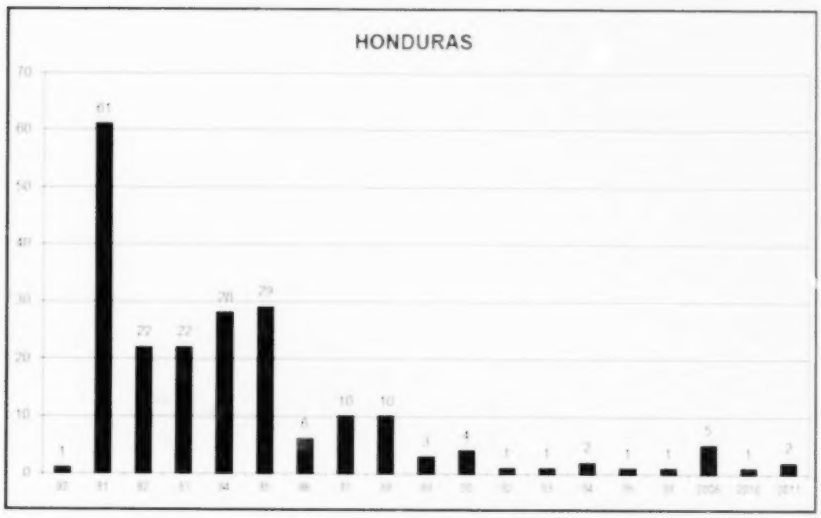
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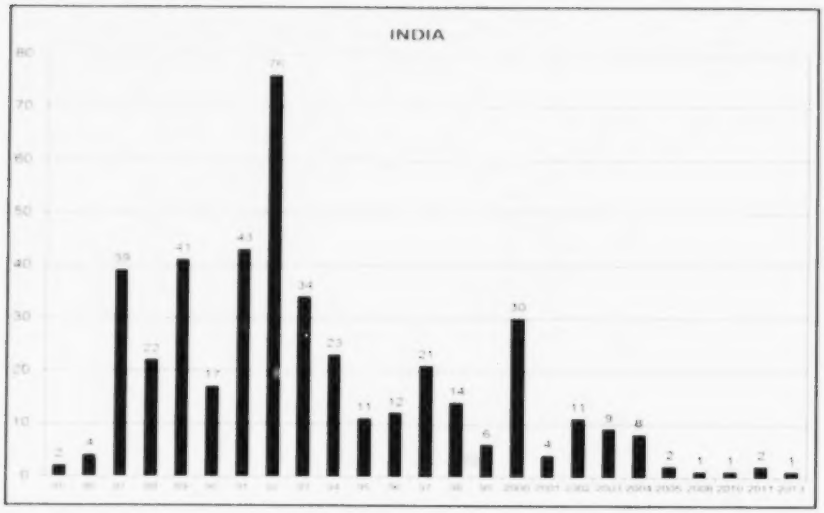
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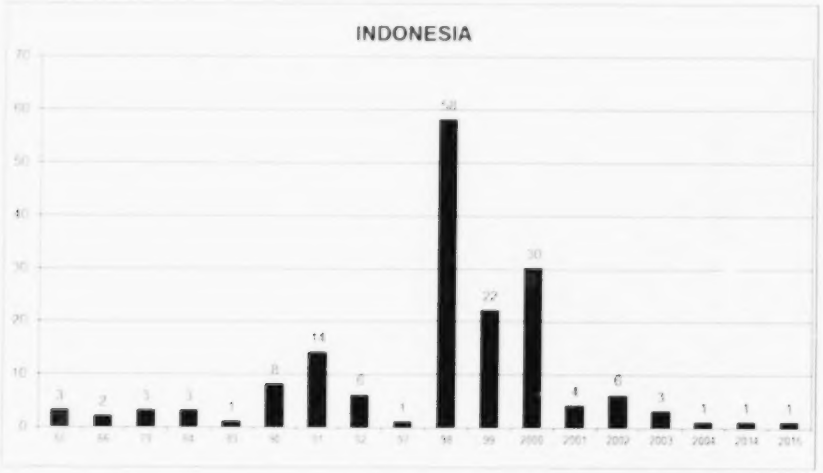
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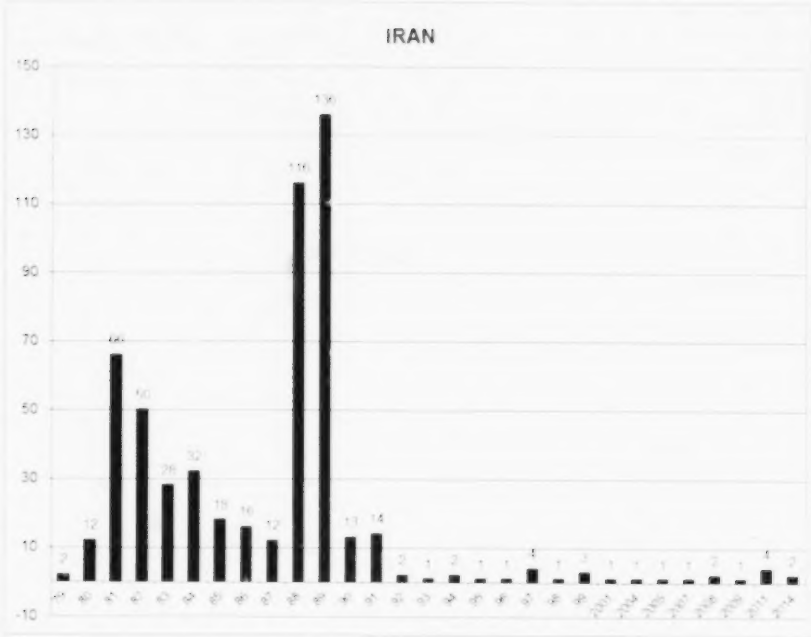
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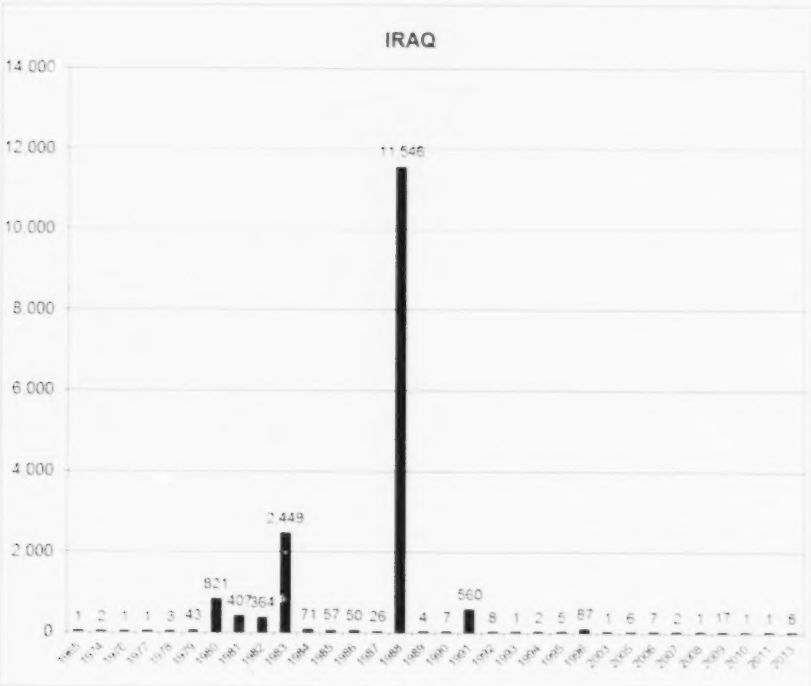
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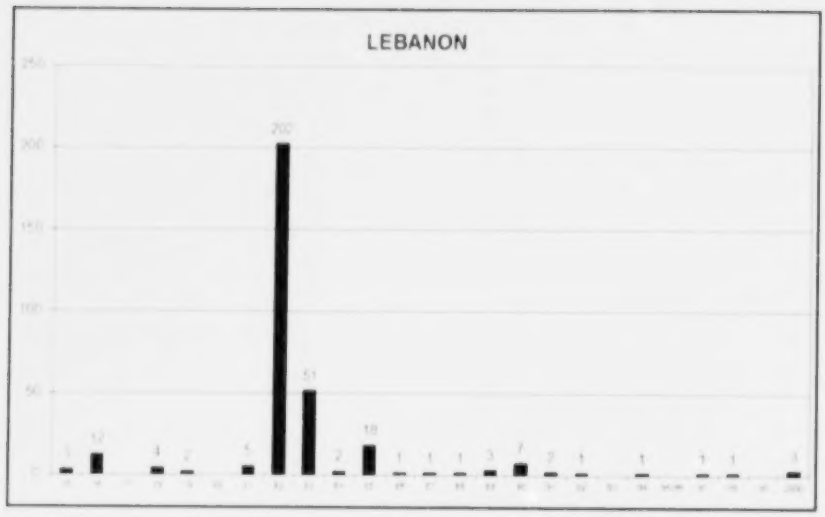
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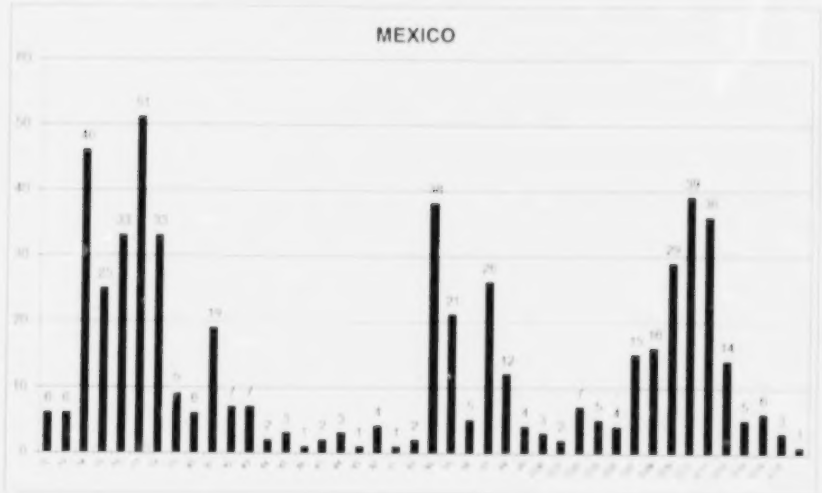
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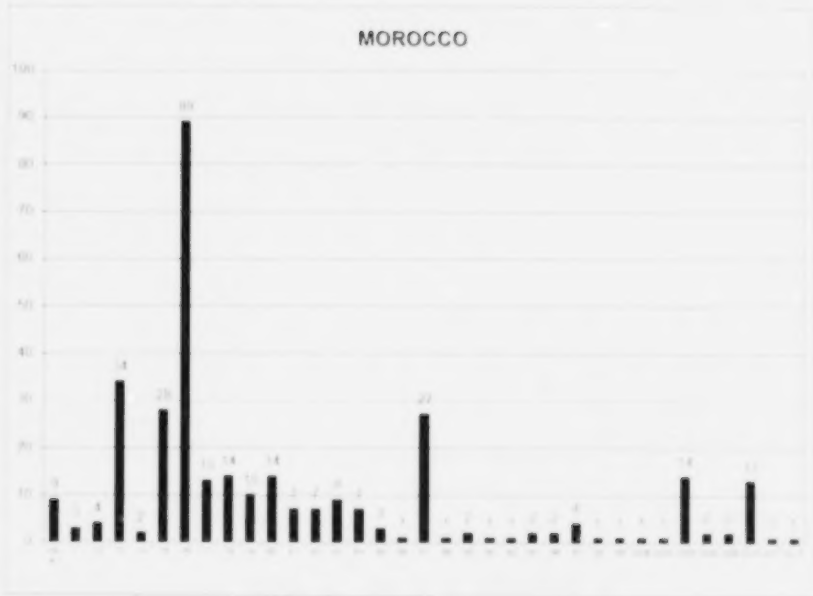
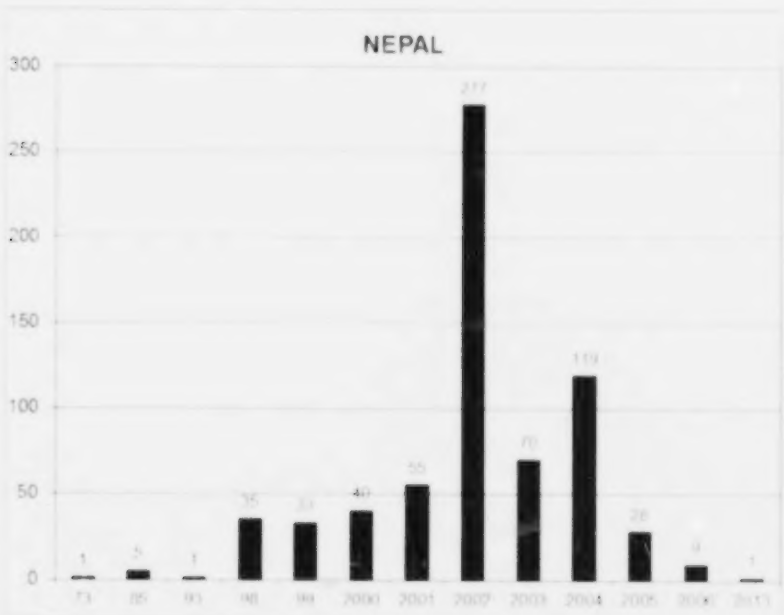

MOROCCO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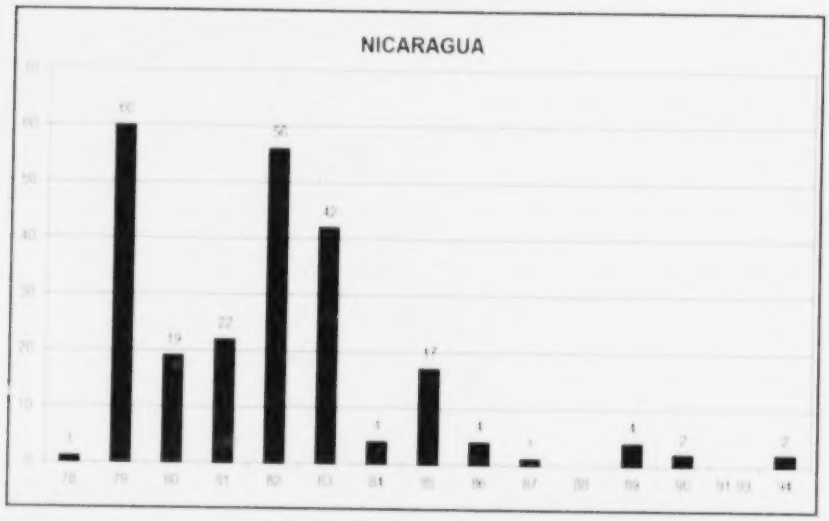
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42
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2

PAKISTAN
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50
0
4
8
1
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3
3
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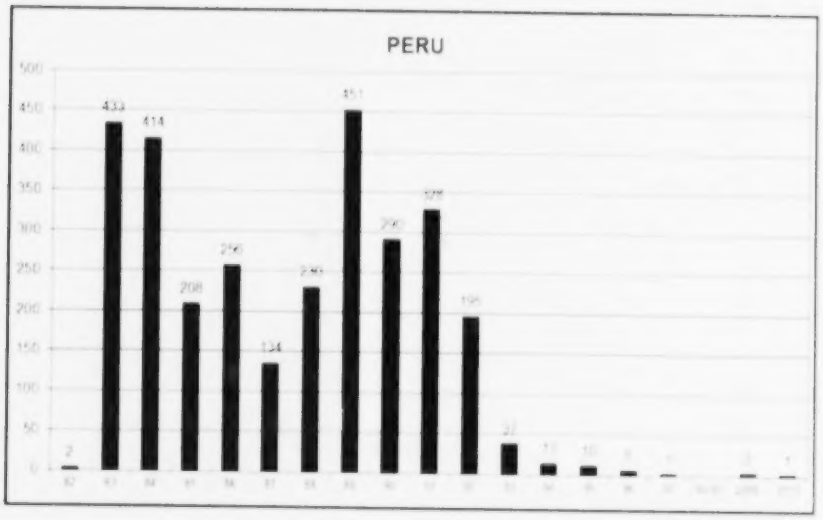
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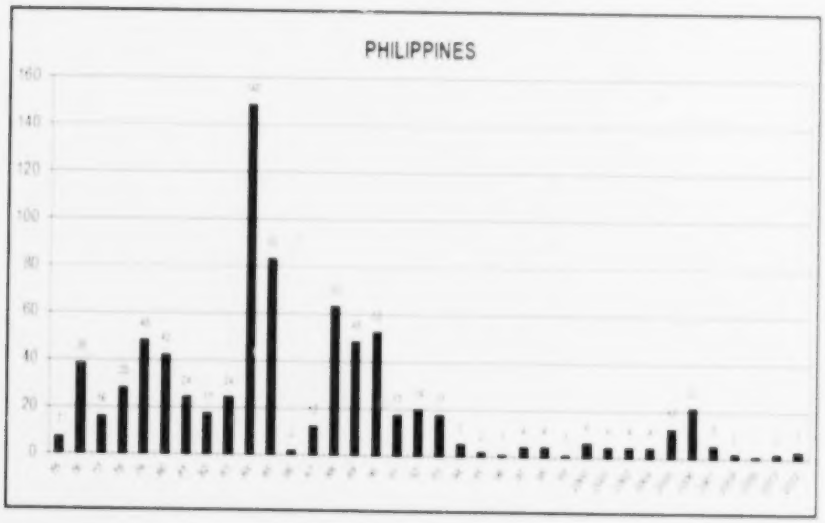
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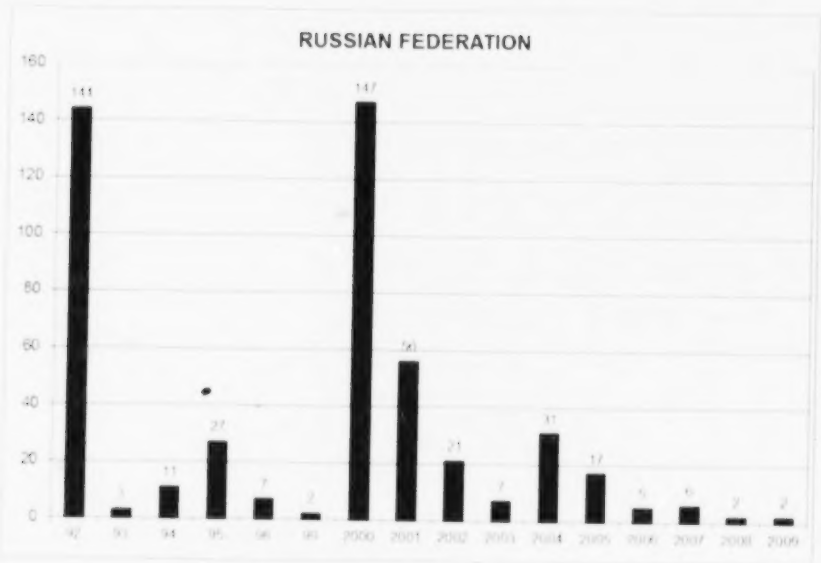
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2005
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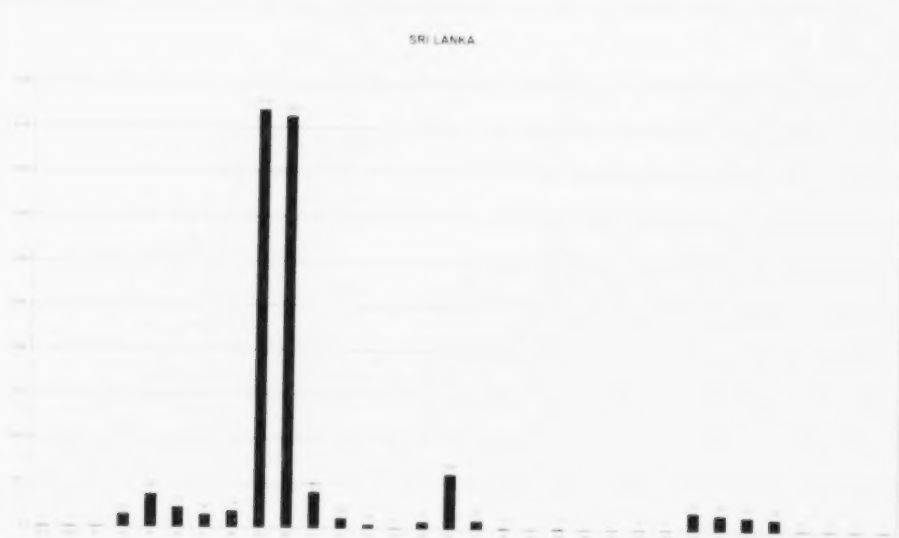
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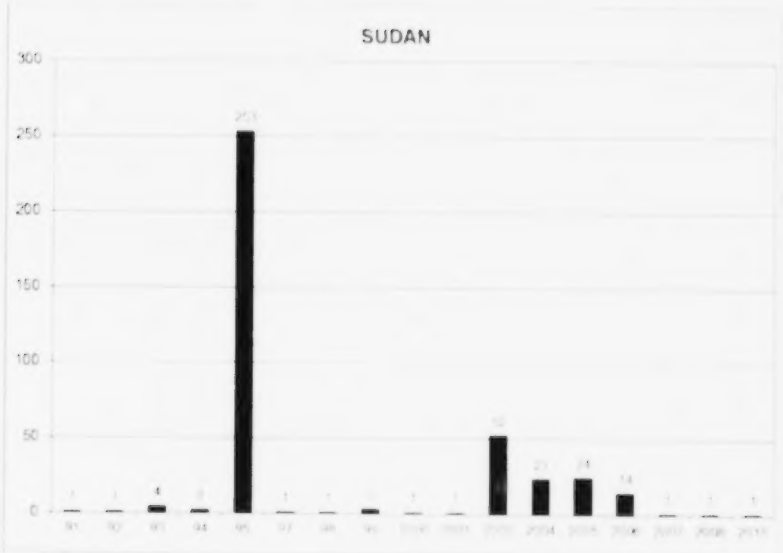
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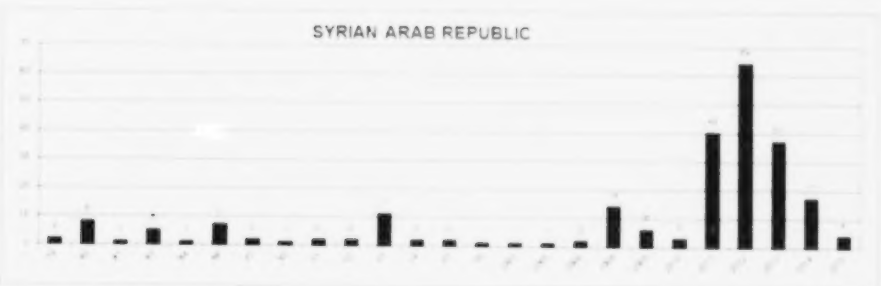
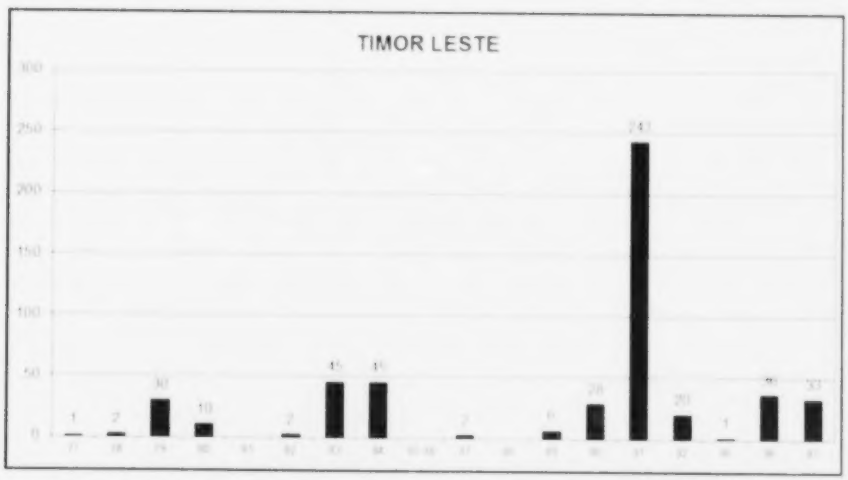

SYRIAN ARAB REPUBLIC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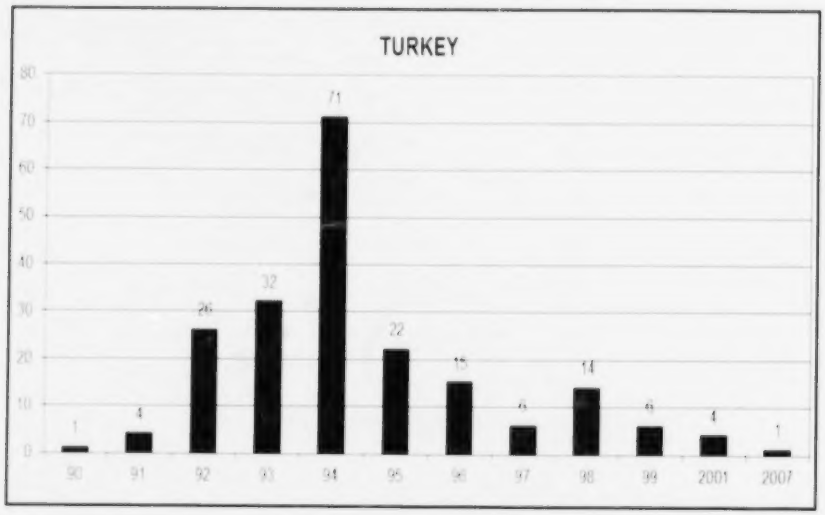
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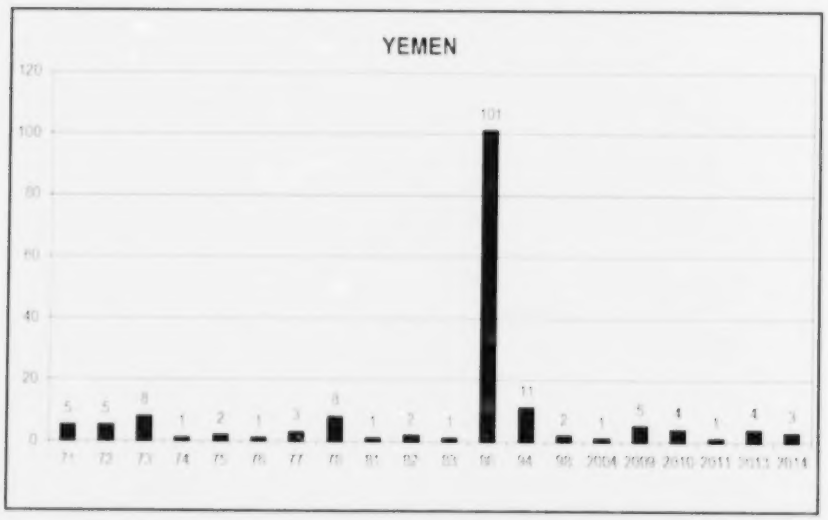
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71
73
75
94
2004
2009
2010
2011
2013
2014